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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,854	09/09/2003	Kenneth M. Martin	IMM050B	2113
34390 7590 03/15/2011 PATENT DEPARTMENT (51851) KILPATRICK TOWNSEND & STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101			EXAMINER PIZIALI, JEFFREY J	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 03/15/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/657,854

Applicant(s)

MARTIN ET AL.

Examiner

Jeff Piziali

Art Unit

2629

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 08 March 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
b) ☐ They raise the issue of new matter (see NOTE below);
c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-15 and 33-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
10 March 2011

Continuation of 3. NOTE:

The Applicant is thanked for the After-Final Amendment (filed on 8 March 2011).

However, if entered, the Applicant's proposed claim amendments would add at least the subject matter:

"receiving a sensor signal by a processor in communication with a memory, the sensor signal comprising a raw sensor value from a sensor, the raw sensor value associated with a position of a manipulandum in a range of motion; calculating an adjusted sensor value by the processor, the adjusted sensor value based at least in part on the raw sensor value and a compliance constant, the compliance constant predetermined based on a compliance between the sensor and the manipulandum; and outputting an output signal by the processor, the output signal comprising the adjusted sensor value" to claim 1;

"the adjusted sensor value is calculated based at least in part on a current output force" to claim 2;

"determining a closed-loop position-dependent force by the processor, the closed-loop position-dependent force based at least in part on the raw sensor value" to claim 3;

"filtering, by the processor, the raw sensor value for overshoot sensor values occurring at limits to the range of motion of the manipulandum" to claim 5;

"calibrating, by the processor, the range of motion of the manipulandum by adjusting minimum and maximum values of the range of motion based at least in part on an extent of motion of the manipulandum up to a designated time" to claim 6;

"normalizing, by the processor, the raw sensor value to a normalized range of motion, wherein the adjusted sensor value is further associated with the normalized raw sensor value" to claim 7;

"calculate an adjusted sensor value based at least in part on the raw sensor value and a compliance constant, the compliance constant predetermined based on a compliance between the sensor and the manipulandum; and output an output signal comprising the adjusted sensor value" to claim 8;

"a non-transitory computer-readable medium on which is encoded program code configured to cause a processor to execute a method comprising: receiving a sensor signal comprising a raw sensor value from a sensor, the raw sensor value associated with a position of a manipulandum in a range of motion; calculating an adjusted sensor value based at least in part on the raw sensor value and a compliance constant, the compliance constant predetermined based on a compliance between the sensor and the manipulandum" to claim 33; and

"the adjusted sensor value is calculated based at least in part on a current output force" to claim 34.

The proposed claim amendments, if incorporated into present claim language, would substantially alter inventive scope of the claims, requiring additional search and consideration.

Due to the proposed amendments not being entered, Applicant's arguments are not commensurate in scope with the current claims.

By such reasoning, non-entry of the proposed Amendment (filed on 8 March 2011) is deemed proper and necessary at this time.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
10 March 2011